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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,023	06/07/2001	Robson Liang	NEL-008	9240
23353	7590	09/23/2004	EXAMINER	
RADER FISHMAN & GRAUER PLLC			HOSSAIN, TANIM M	
LION BUILDING			ART UNIT	PAPER NUMBER
1233 20TH STREET N.W., SUITE 501				
WASHINGTON, DC 20036			2141	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,023	LIANG, ROBSON	
	Examiner	Art Unit	
	Tanim Hossain	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said recipient's software" in line 5. There is insufficient antecedent basis for this limitation in the claim, as no mention of the recipient's software was made prior to the present occurrence.

As per claims 7 and 9-13, their dependencies to respective parent claims appear to have been misnumbered, as the present dependencies lack antecedent basis or do not follow a logical path. Therefore, it is assumed that claim 7 depends on claim 6 instead of 5, claims 9-12 depend on claim 8 instead of 7, and claim 13 depends on claim 12 instead of 11.

All remaining depending claims are rejected as a result of the dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narain (U.S. 6,535,506) in view of Roberts (U.S. 6,295,551), in further view of White (U.S. 6,069,890).

As per claim 1, Narain teaches an electronic mail Internet Protocol telephony system comprising: IP telephony hyperlink appended to an email sent to a recipient by a user of the system wherein the recipient clicks on the hyperlink to initiate a telephone call to the user (column 7, lines 15-30). Narain does not specifically teach a gatekeeper interfacing between said recipient's software, wherein said gatekeeper assesses a voice communication channel opening request from the recipient, a router service management to search a router and send gateway addresses to the recipient, and the capability of the gateway to release the voice communication channel and to connect voice packets between users through a PSTN. Roberts teaches the limitations of the gatekeeper interface between users (column 20, lines 6-24; where the tunneling through the firewall constitutes opening a channel requested by the user; where the gatekeeper is interpreted as a server controlling communications); a router service management for said gatekeeper to search a specific router to send an IP address of a specific gateway to the recipient's software (column 6, lines 1-4; where the direction to an appropriate address implies the sending of the information. This routing is also well known in the art of Internet telephony.); and said specific gateway in communication with the gatekeeper to release the voice communication channel to the recipient and to connect voice packets from said recipient with a PSTN (column 18, line 60 – column 19, line 2; where the connection of voice packets is obvious). It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the teachings of the disclosed inventions. The motivation to combine teachings lies in the fact that both Narain and Roberts are from the same field of endeavor, namely Internet telephony, and the facilitation of telephone communications through the conveniences of the Internet. However, Narain-Roberts does not specifically teach a web phone call document containing an IP address of said gatekeeper with a designated telephone number of the user. White teaches this limitation (column 6, lines 26-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the disclosed inventions, and in addition, provide a subscription format where the user must authenticate information to be allowed access to the system. This aspect is well known in the art, most notably in accessing an e-mail account (as for example, described in U.S. Patent 6,708,205 to Sheldon; column 7, lines 31-39). There is a need to verify whether authorized users have access to the system, and thus having an authentication process is obvious to one of ordinary skill in the art. The motivation to combine teachings lies in the fact that they are all from the same field of endeavor, namely Internet telephony, and the facilitation of telephone communications through the conveniences of the Internet.

As per claim 2, Narain in view of Roberts, in further view of White, teach an e-mail IP telephony system as in claim 1 on the basis of obviousness, but does not specifically teach the use of a mini-webphone as the recipient's software. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation, as the mini-webphone is a dialup program and is well known in the art, as discussed, for example, by Glenn (U.S. 5,907,677), column 2, lines 9-12. There lies an obvious need for computer software that allows users to call other phones through the

Internet, for this invention to have utility. This type software is widely used, and is thus not patentably distinct.

As per claim 3, Narain in view of Roberts, in further view of White, teach an e-mail IP telephony system as in claim 1, on the basis of obviousness, but does not specifically teach the use of Remote Authentication Dial in User Service to authenticate and verify subscriber information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation, as “Radius” constitutes a login and password process, and is well known in the art, as discussed, for example, by Chen (U.S. 6,510,455), column 6, lines 10-24. In any situation where there is sensitive information, or a subscription process, or any user account, the use of “Radius” is obvious.

As per claim 4, Narain in view of Roberts, in further view of White, teach an e-mail IP telephony system as in claim 1, on the basis of obviousness, wherein said specific gateway communicates with said gatekeeper through Transport Control Protocol/Internet Protocol communication suite (Narain: column 7, lines 15-30).

As per claim 8, Narain-Roberts-White, teach a method for connecting an electronic-mail-Internet Protocol telephone call comprising: an e-mail sender sending an e-mail to a recipient with an IP telephony hyperlink appending to said e-mail (Narain: column 7, lines 15-30); said e-mail recipient clicking said IP telephony hyperlink to initiate a telephone call to the subscriber and to activate a request to open a voice communication channel (Narain: column 7, lines 15-30); a system website in communication with said IP telephony hyperlink and sending a web phone call document to the recipient; wherein said WPC document containing IP address of said gatekeeper

with a designated telephone number of user (White: column 6, lines 26-45); and a gatekeeper searching for specific router from a router service management and sending the IP address of a specific gateway to said recipient's software (column 6, lines 1-4; where the direction to an appropriate address implies the sending of the information. This routing is also well known in the art of Internet telephony.). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the disclosed inventions, and in addition, provide a subscription format where the user must authenticate information to be allowed access to the system, in the form of a document containing user information that is sent to an administrative device, whereupon the authentication of the information, the user is granted access to the system. This aspect is well known in the art, most notably in accessing an e-mail account, and is further discussed in the treatment of claim 1. The motivation to combine teachings lies in the fact that they are all from the same field of endeavor, namely Internet telephony, and the facilitation of telephone communications through the conveniences of the Internet.

Claims 9 and 10 are rejected on the same bases as claims 3 and 4 respectively, as claims 9 and 10 disclose a method of implementation of the system of claims 3 and 4 respectively.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narain in view of Roberts, in further view of White, in further view of Verthein (U.S. 6,487,196).

As per claim 5, Narain in view of Roberts, in further view of White teaches an e-mail IP telephony system as in claim 1, on the basis of obviousness. Narain-Roberts-

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White does not specifically teach the limitation where said PSTN is housed at the subscriber's locality to avert the subscriber from incurring long distance telephone charges. Verthein teaches this limitation (column 2, lines 22-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this functionality into the teachings of Narain-Roberts-White. The motivation for doing so lies in the fact that the aversion of long-distance charges through Internet telephony is well known in the art, and the inclusion of this aspect allows for further convenience of use. Further motivation to combine teachings lies in the fact that they are all from the same field of endeavor, namely Internet telephony, and the facilitation of telephone communications through the conveniences of the Internet.

Claim 11 is rejected on the same basis as claim 5, as claim 11 is a method for implementing the system of claim 5.

Claims 6, 7, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narain in view of Roberts, in further view of White, in further view of Dekelbaum (U.S. 5,838,682).

As per claims 6 and 7, Narain in view of Roberts, in further view of White teaches an e-mail-IP telephony system as in claim 1, on the basis of obviousness, but does not specifically teach use of a toll-free and 1-800 telephone number appended as a hyperlink on the e-mail. Dekelbaum teaches the use of a toll-free, 1-800 number as the hyperlink (figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine teachings. The motivation for doing so lies in the fact that all

inventions are from the same field of endeavor, namely Internet telephony, and the facilitation of telephone communications through the conveniences of the Internet.

Claims 12 and 13 are rejected on the same basis as claims 6 and 7 respectively, as claims 12 and 13 disclose a method of implementation of the system of claims 6 and 7 respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Swartz (U.S. 6,445,694) teaches an Internet controlled telephone system.
- b. Bogard (U.S. 6,757,365) teaches instant messaging via telephone interfaces.
- c. Ezerzer, et al. (U.S. 6,697,858) teaches a call center using a variety of interfaces.

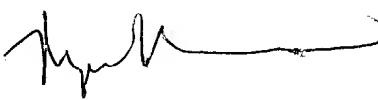
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 703/605-1228, or after October 18, 2004, 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703/305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703/872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain
Patent Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER